

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARSHALL TODD WARD

v.

COMMISSARY COLLIN COUNTY
SHERIFF

§
§
§
§
§
§

Civil Action No. 4:21-CV-596
(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 26, 2022, the report of the Magistrate Judge (Dkt. #6) was entered containing proposed findings of fact and recommendations that *pro se* Plaintiff Marshall Todd Ward's claims in the instant action be *sua sponte* dismissed with prejudice as frivolous and for failure to state a claim following judicial screening under 28 U.S.C. § 1915, and that Plaintiff be advised that this dismissal counts as a strike under 28 U.S.C. § 1915. Plaintiff received but refused to accept a copy of the Report sent to him by the Court via the United States Postal Service (Dkt. #7).

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Accordingly,

It is therefore **ORDERED** that *pro se* Plaintiff Marshall Todd Ward's claims against Defendant Commissary Collin County Sheriff be **DISMISSED WITH PREJUDICE**.

Plaintiff is advised that this dismissal counts as a strike under 28 U.S.C. § 1915, and that because he has accumulated three (or more) strikes, he may be denied *in forma pauperis* status and

be required to pay the full filing fee when filing additional civil actions or appeals unless he demonstrates that he is in imminent danger of serious physical injury.

All relief not previously granted is **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 16th day of March, 2022.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE